



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Rights
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Arnold Schwarzenegger
Governor

**NOTICE OF PETITIONS FOR TEMPORARY URGENCY CHANGE
INVOLVING THE TRANSFER OF UP TO 10,333 ACRE FEET OF WATER
FROM RECLAMATION DISTRICT NO. 756 AND
DELTA FARMS RECLAMATION DISTRICT NO. 2026
TO THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
UNDER LICENSES 1405 & 1572 (APPLICATIONS 2948 & 2952)**

Notice is hereby given that on December 31, 2008

Reclamation District No. 756
and Delta Farms Reclamation District No. 2026
c/o Delta Wetlands Properties
Peter J. Kiel
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816-5905

filed with the State Water Resources Control Board (State Water Board) two Petitions for Temporary Urgency Change under Water Code section 1435, et seq. The petitions, submitted by Delta Wetlands Properties (DWP) on behalf of Reclamation District No. 756 and Delta Farms Reclamation District No. 2026, request changes in point of diversion, place of use, and purpose of use to allow the transfer of up to a total of 17,941 acre-feet (af) of water to the Metropolitan Water District of Southern California (MWD). Temporary Urgency Change orders may be effective for up to 180 days from issuance.

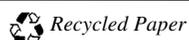
STATE WATER BOARD ACTION

Pursuant to Water Code section 1438, subdivision (a), the State Water Board may approve a petition for temporary urgency change prior to issuing public notice of the change. The State Water Board has reviewed the petitions and other information contained in its files. Based on the available information, the State Water Board determined that there is sufficient information to make the findings (provided below in section titled "STATE WATER RESOURCES CONTROL BOARD'S STATUTORY PROVISIONS") required to approve the proposed temporary urgency changes to authorize the delivery of 10,333 af of water to MWD.

Based on the information currently available, on February 5, 2009, the State Water Board issued [Order WR 2009-0003-DWR](#) conditionally approving the proposed temporary urgency changes in the place of use under Licenses 1405 and 1572. Electronic copies of this notice and the petition are available at:

<http://www.waterrights.ca.gov/application/tempurgnotices.htm>.

California Environmental Protection Agency



The petition requested a total of 17,941 af of water to be transferred between May 1, 2009 and September 30, 2009, but orders approving petitions for temporary urgency change may be effective for a maximum of 180 days. Order WR 2009-0003-DWR is effective through July 31, 2009. The amount of water scheduled for transfer through July 31, 2009 is 10,333 af. Accordingly, Order WR 2009-0003-DWR only approved 10,333 af for transfer. The petitioner must receive additional State Water Board authorization to transfer the remaining 7,608 af.

STATE WATER RESOURCES CONTROL BOARD'S STATUTORY PROVISIONS

Chapter 6.6 of Part 2, Division 2, of the Water Code, commencing at section 1435, provides that any permittee or licensee who has an urgent need to change a point of diversion, place of use, or purpose of use from that specified in the permit or license may petition for a conditional temporary change order. Prior to approving a temporary change order pursuant to Chapter 6.6, the State Water Board must make the following findings specified in Water Code section 1435(b):

1. The petitioner has an urgent need to make the proposed change.
2. The proposed change may be made without injury to any other lawful user of the water.
3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses.
4. The proposed change is in the public interest, including findings to support change order conditions imposed to ensure that the change is in the public interest, and may be made without injury to any other lawful user of the water, and without unreasonable effect upon fish, wildlife, or other instream beneficial uses.

OBJECTIONS

Any person may file an objection to the changes authorized in Order WR 2009-0003-DWR, however, the comments should address the issues that the State Water Board must evaluate, as set forth above. Although the State Water Board has approved the temporary changes in place of use based on the information currently available, the State Water Board may in its discretion modify or revoke this approval at any time.

Objections filed in response to this notice shall be mailed to both parties at the addresses listed below. The State Water Board will consider objections regarding this petition as soon as possible after their receipt; however, all objections must be filed by 2:00 pm on March 11, 2009 for the State Water Board to consider them. Interested parties are encouraged to file objections by FAX and to notify the following contact persons by

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telephone of any objections that will be submitted. However, an original copy of all objections must be received by the State Water Board to be considered.

Division of Water Rights
c/o Greg Wilson, P.E.
P.O. Box 2000
Sacramento, CA 95812-2000
FAX: (916) 341-5400

Delta Wetlands Properties
c/o Peter Kiel
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816-5905
FAX: (916) 447-3512

Please address questions about this notice to Greg Wilson at (916) 341-5427. Questions regarding the petitioner/transferee should be addressed to Peter Kiel at (916) 447-2166.

ORIGINAL SIGNED BY

Leslie F. Grober, Manager
Hearings and Special Programs Section

Dated: February 9, 2009